

JS 44C/SDNY
REV. 4/2014

CIVIL COVER SHEET

The JS-44 civil cover sheet and the information contained herein neither replace nor supplement the filing and service of pleadings or other papers as required by law, except as provided by local rules of court. This form, approved by the Judicial Conference of the United States in September 1974, is required for use of the Clerk of Court for the purpose of initiating the civil docket sheet.

PLAINTIFFS

Spanish Broadcasting System, Inc.

DEFENDANTS

Lehman Brothers Holdings Inc., as Plan Administrator

ATTORNEYS (FIRM NAME, ADDRESS, AND TELEPHONE NUMBER)

Kaye Scholer LLP, 250 West 55th Street New York, NY 10019-9710
(212) 836-8000

ATTORNEYS (IF KNOWN)

Madlyn Gleich Primoff

CAUSE OF ACTION (CITE THE U.S. CIVIL STATUTE UNDER WHICH YOU ARE FILING AND WRITE A BRIEF STATEMENT OF CAUSE)
(DO NOT CITE JURISDICTIONAL STATUTES UNLESS DIVERSITY)

Bankruptcy Appeal of Court's grant of Plan Adminstrator's Motion for Summary Judgment and disallowing SBS's claim number 67707.

Has this action, case, or proceeding, or one essentially the same been previously filed in SDNY at any time? No Yes Judge Previously AssignedIf yes, was this case Vol. Invol. Dismissed. No Yes If yes, give date _____ & Case No. _____

IS THIS AN INTERNATIONAL ARBITRATION CASE?

No Yes

(PLACE AN [x] IN ONE BOX ONLY)

NATURE OF SUIT

		TORTS		ACTIONS UNDER STATUTES		
CONTRACT	PERSONAL INJURY	PERSONAL INJURY	FORFEITURE/PENALTY	BANKRUPTCY	OTHER STATUTES	
<input type="checkbox"/> 110 INSURANCE	<input type="checkbox"/> 310 AIRPLANE	<input type="checkbox"/> 367 HEALTHCARE/	<input type="checkbox"/> 625 DRUG RELATED	<input checked="" type="checkbox"/> 422 APPEAL	<input type="checkbox"/> 375 FALSE CLAIMS	<input type="checkbox"/> 400 STATE
<input type="checkbox"/> 120 MARINE	<input type="checkbox"/> 315 AIRPLANE PRODUCT	<input type="checkbox"/> PHARMACEUTICAL PERSONAL	<input type="checkbox"/> SEIZURE OF PROPERTY	<input type="checkbox"/> 28 USC 158	REAPPORTIONMENT	
<input type="checkbox"/> 130 MILLER ACT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> INJURY/PRODUCT LIABILITY	<input type="checkbox"/> 365 PERSONAL INJURY	<input type="checkbox"/> 423 WITHDRAWAL	<input type="checkbox"/> 410 ANTITRUST	<input type="checkbox"/> 430 BANKS & BANKING
<input type="checkbox"/> 140 NEGOTIABLE	<input type="checkbox"/> 320 ASSAULT, LIBEL &	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> 368 ASBESTOS PERSONAL	<input type="checkbox"/> 28 USC 157	<input type="checkbox"/> 450 COMMERCE	<input type="checkbox"/> 460 DEPORTATION
INSTRUMENT	SLANDER	<input type="checkbox"/> INJURY PRODUCT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 690 OTHER	<input type="checkbox"/> 470 RACKETEER INFLU- ENCED & CORRUPT ORGANIZATION ACT (RICO)	<input type="checkbox"/> 480 CONSUMER CREDIT
<input type="checkbox"/> 150 RECOVERY OF	<input type="checkbox"/> 330 FEDERAL	<input type="checkbox"/> PERSONAL PROPERTY	<input type="checkbox"/> PROPERTY RIGHTS	<input type="checkbox"/> 820 COPYRIGHTS	<input type="checkbox"/> 490 CABLE/SATELLITE TV	<input type="checkbox"/> 850 SECURITIES/ COMMODITIES/ EXCHANGE
OVERPAYMENT &	EMPLOYERS' LIABILITY	<input type="checkbox"/> 340 MARINE	<input type="checkbox"/> 370 OTHER FRAUD	<input type="checkbox"/> 830 PATENT	<input type="checkbox"/> 861 HIA (1395ff)	<input type="checkbox"/> 880 OTHER STATUTORY ACTIONS
ENFORCEMENT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 345 MARINE PRODUCT	<input type="checkbox"/> 371 TRUTH IN LENDING	<input type="checkbox"/> 840 TRADEMARK	<input type="checkbox"/> 862 BLACK LUNG (923)	<input type="checkbox"/> 891 AGRICULTURAL ACTS
OF JUDGMENT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 350 MOTOR VEHICLE	<input type="checkbox"/> PROPERTY DAMAGE	<input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT	<input type="checkbox"/> 863 DIWC/DIWW (405(g))	<input type="checkbox"/> 893 ENVIRONMENTAL MATTERS
<input type="checkbox"/> 151 MEDICARE ACT	<input type="checkbox"/> LIABILITY	<input type="checkbox"/> 355 MOTOR VEHICLE	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> 720 LABOR/MGMT RELATIONS	<input type="checkbox"/> 864 SSID TITLE XVI	<input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT
<input type="checkbox"/> 152 RECOVERY OF	<input type="checkbox"/> DEFOLIATED	<input type="checkbox"/> PRODUCT LIABILITY	<input type="checkbox"/> PRISONER PETITIONS	<input type="checkbox"/> 740 RAILWAY LABOR ACT	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 896 ARBITRATION
STUDENT LOANS	<input type="checkbox"/> PERSONAL INJURY	<input type="checkbox"/> 360 OTHER PERSONAL	<input type="checkbox"/> 463 ALIEN DETAINEE	<input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
(EXCL VETERANS)	<input type="checkbox"/> MED MALPRACTICE	<input type="checkbox"/> 362 PERSONAL INJURY -	<input type="checkbox"/> 510 MOTIONS TO VACATE SENTENCE	<input type="checkbox"/> 790 OTHER LABOR	<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> 900 CONSTITUTIONALITY OF STATE STATUTES
<input type="checkbox"/> 153 RECOVERY OF	<input type="checkbox"/> MED MALPRACTICE	<input type="checkbox"/> 382 PERSONAL INJURY -	<input type="checkbox"/> 28 USC 2255	<input type="checkbox"/> LITIGATION	<input type="checkbox"/> 26 USC 7609	<input type="checkbox"/> 893 ENVIRONMENTAL MATTERS
OVERPAYMENT OF VETERAN'S BENEFITS	<input type="checkbox"/> MED MALPRACTICE	<input type="checkbox"/> 385 PROPERTY DAMAGE	<input type="checkbox"/> 530 HABEAS CORPUS	<input type="checkbox"/> 791 EMPL RET INC SECURITY ACT (ERISA)	<input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT	<input type="checkbox"/> 896 ARBITRATION
<input type="checkbox"/> 154 STOCKHOLDERS SUITS	<input type="checkbox"/> ACTIONS UNDER STATUTES	<input type="checkbox"/> 385 PROPERTY DAMAGE	<input type="checkbox"/> 535 DEATH PENALTY	<input type="checkbox"/> IMMIGRATION	<input type="checkbox"/> 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	<input type="checkbox"/> 900 CONSTITUTIONALITY OF STATE STATUTES
<input type="checkbox"/> 155 OTHER CONTRACT CONTRACT	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 1462 NATURALIZATION APPLICATION	<input type="checkbox"/> 893 ENVIRONMENTAL MATTERS
PRODUCT LIABILITY	<input type="checkbox"/> (Non-Prisoner)	<input type="checkbox"/> 440 OTHER CIVIL RIGHTS	<input type="checkbox"/> 548 EDUCATION	<input type="checkbox"/> 555 PRISON CONDITION	<input type="checkbox"/> 465 OTHER IMMIGRATION ACTIONS	<input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT
<input type="checkbox"/> 156 FRANCHISE	<input type="checkbox"/> CIVIL RIGHTS	<input type="checkbox"/> 540 MANDAMUS & OTHER	<input type="checkbox"/> 548 EDUCATION	<input type="checkbox"/> 560 CIVIL DETAINEE CONDITIONS OF CONFINEMENT	<input type="checkbox"/> 710 FAIR LABOR STANDARDS ACT	<input type="checkbox"/> 896 ARBITRATION
REAL PROPERTY	<input type="checkbox"/> VOTING	<input type="checkbox"/> 441 VOTING	<input type="checkbox"/> 548 EDUCATION	<input type="checkbox"/> 720 LABOR/MGMT RELATIONS	<input type="checkbox"/> 864 SSID TITLE XVI	<input type="checkbox"/> 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION
<input type="checkbox"/> 157 LAND CONDEMNATION	<input type="checkbox"/> EMPLOYMENT	<input type="checkbox"/> 442 EMPLOYMENT	<input type="checkbox"/> 548 EDUCATION	<input type="checkbox"/> 740 RAILWAY LABOR ACT	<input type="checkbox"/> 865 RSI (405(g))	<input type="checkbox"/> 900 CONSTITUTIONALITY OF STATE STATUTES
<input type="checkbox"/> 158 FORECLOSURE	<input type="checkbox"/> HOUSING/	<input type="checkbox"/> 443 HOUSING/	<input type="checkbox"/> 548 EDUCATION	<input type="checkbox"/> 751 FAMILY MEDICAL LEAVE ACT (FMLA)	<input type="checkbox"/> 870 TAXES (U.S. Plaintiff or Defendant)	<input type="checkbox"/> 893 ENVIRONMENTAL MATTERS
<input type="checkbox"/> 159 RENT LEASE &	<input type="checkbox"/> ACCOMMODATIONS	<input type="checkbox"/> 445 AMERICANS WITH	<input type="checkbox"/> 548 EDUCATION	<input type="checkbox"/> 790 OTHER LABOR	<input type="checkbox"/> 871 IRS-THIRD PARTY	<input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT
EJECTMENT	<input type="checkbox"/> DISABILITIES -	<input type="checkbox"/> 545 AMERICANS WITH	<input type="checkbox"/> 548 EDUCATION	<input type="checkbox"/> LITIGATION	<input type="checkbox"/> 26 USC 7609	<input type="checkbox"/> 896 ARBITRATION
<input type="checkbox"/> 160 TORTS TO LAND	<input type="checkbox"/> EMPLOYMENT	<input type="checkbox"/> 546 AMERICANS WITH	<input type="checkbox"/> 548 EDUCATION	<input type="checkbox"/> SECURITY ACT (ERISA)	<input type="checkbox"/> 899 ADMINISTRATIVE PROCEDURE ACT/REVIEW OR APPEAL OF AGENCY DECISION	<input type="checkbox"/> 900 CONSTITUTIONALITY OF STATE STATUTES
<input type="checkbox"/> 161 TORT PRODUCT LIABILITY	<input type="checkbox"/> DISABILITIES - OTHER	<input type="checkbox"/> 547 AMERICANS WITH	<input type="checkbox"/> 548 EDUCATION	<input type="checkbox"/> IMMIGRATION	<input type="checkbox"/> 1462 NATURALIZATION APPLICATION	<input type="checkbox"/> 893 ENVIRONMENTAL MATTERS
<input type="checkbox"/> 162 ALL OTHER REAL PROPERTY	<input type="checkbox"/> EDUCATION	<input type="checkbox"/> 548 EDUCATION	<input type="checkbox"/> 548 EDUCATION	<input type="checkbox"/> 550 CIVIL RIGHTS	<input type="checkbox"/> 465 OTHER IMMIGRATION ACTIONS	<input type="checkbox"/> 895 FREEDOM OF INFORMATION ACT

Check if demanded in complaint:

 CHECK IF THIS IS A CLASS ACTION
UNDER F.R.C.P. 23DO YOU CLAIM THIS CASE IS RELATED TO A CIVIL CASE NOW PENDING IN S.D.N.Y.?
IF SO, STATE:

DEMAND \$ _____ OTHER _____

JUDGE _____ DOCKET NUMBER _____

Check YES only if demanded in complaint
JURY DEMAND: YES NO

NOTE: You must also submit at the time of filing the Statement of Relatedness form (Form IH-32).

(PLACE AN X IN ONE BOX ONLY)

<input checked="" type="checkbox"/> 1 Original Proceeding	<input type="checkbox"/> 2 Removed from State Court	<input type="checkbox"/> 3 Remanded from Appellate Court	<input type="checkbox"/> 4 Reinstated or Reopened	<input type="checkbox"/> 5 Transferred from (Specify District)	<input type="checkbox"/> 6 Multidistrict Litigation	<input type="checkbox"/> 7 Appeal to District Judge from Magistrate Judge Judgment
<input type="checkbox"/> a. all parties represented <input type="checkbox"/> b. At least one party is pro se.						

(PLACE AN X IN ONE BOX ONLY)

<input type="checkbox"/> 1 U.S. PLAINTIFF	<input type="checkbox"/> 2 U.S. DEFENDANT	<input checked="" type="checkbox"/> 3 FEDERAL QUESTION (U.S. NOT A PARTY)	<input type="checkbox"/> 4 DIVERSITY
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IF DIVERSITY, INDICATE CITIZENSHIP BELOW.

CITIZENSHIP OF PRINCIPAL PARTIES (FOR DIVERSITY CASES ONLY)

(Place an [X] in one box for Plaintiff and one box for Defendant)

CITIZEN OF THIS STATE	PTF [] 1	DEF [] 1	CITIZEN OR SUBJECT OF A FOREIGN COUNTRY	PTF DEF [] 3 [] 3	INCORPORATED and PRINCIPAL PLACE OF BUSINESS IN ANOTHER STATE	PTF [] 5	DEF [] 5
CITIZEN OF ANOTHER STATE	[] 2	[] 2	INCORPORATED or PRINCIPAL PLACE OF BUSINESS IN THIS STATE	[] 4 [] 4	FOREIGN NATION	[] 6	[] 6

PLAINTIFF(S) ADDRESS(ES) AND COUNTY(IES)

Kaye Scholer LLP, 250 West 55th Street New York, NY 10019, Attorneys for Plaintiff
 Spanish Broadcasting System, Inc., 2601 South Bayshore Drive PH2 Coconut Grove, FL 33133 United States

DEFENDANT(S) ADDRESS(ES) AND COUNTY(IES)

Weil, Gotshal & Manges LLP, 767 Fifth Avenue, New York, NY 10153, Attorneys for Defendant
 Lehman Commercial Paper Inc., 745 Seventh Avenue, New York, NY 10019
 Lehman Brothers Inc., 745 Seventh Avenue, New York, NY 10019

DEFENDANT(S) ADDRESS UNKNOWN

REPRESENTATION IS HEREBY MADE THAT, AT THIS TIME, I HAVE BEEN UNABLE, WITH REASONABLE DILIGENCE, TO ASCERTAIN RESIDENCE ADDRESSES OF THE FOLLOWING DEFENDANTS:

Check one: THIS ACTION SHOULD BE ASSIGNED TO: WHITE PLAINS MANHATTAN
 (DO NOT check either box if this a PRISONER PETITION/PRISONER CIVIL RIGHTS COMPLAINT.)

DATE 1/21/16 SIGNATURE OF ATTORNEY OF RECORD

RECEIPT #

Madlyn Bleier Pininf

ADMITTED TO PRACTICE IN THIS DISTRICT

[] NO
 YES (DATE ADMITTED Mo. May Yr. 1988)
 Attorney Bar Code # MP1701

Magistrate Judge is to be designated by the Clerk of the Court.

Magistrate Judge _____ is so Designated.

Ruby J. Krajick, Clerk of Court by _____ Deputy Clerk, DATED _____.

UNITED STATES DISTRICT COURT (NEW YORK SOUTHERN)

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